

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff

vs.

JONATHAN J. STIDHAM,

Defendant.

8:21CR90

PLAINTIFF'S SENTENCING
MEMORANDUM

Plaintiff, United States of America, by and through the undersigned Assistant United States Attorney for the District of Nebraska, offers its sentencing memorandum in advance of the hearing scheduled for March 3, 2023, at 2:00 p.m.

A. Procedural History.

The Grand Jury returned an indictment naming Jonathan Stidham and five codefendants on March 19, 2021 (Filing No. 1). His initial appearance and arraignment were held on April 13, 2021. The Grand Jury returned a superseding indictment on June 17, 2021. (Filing No. 86). The Court granted several motions to extend pretrial motions deadlines thereafter and entered a Trial Order on December 7, 2021 for trial to begin on January 3, 2022. (Filing No. 133). Thereafter, the Court granted several defendants' motions to continue trial. On November 3, 2022, the Court set a change of plea hearing for the defendant to take place on December 7, 2022 (Text Minute Entries 188, 202). On the latter date, defendant plead guilty to Counts I and II of the Superseding Indictment pursuant to a plea agreement. (Filing No. 205). Defendant has never personally appeared at a hearing in the District of Nebraska due to implementation of the Coronavirus Aid,

Relief and Economic Security Act ("CARES Act"), Pub. L. No. 116-136, 15002(b), 134 Stat. 281, and General Order 2020-07.

According to the February 9, 2023, Addendum to the Presentence Investigation Report, (PSR), defendant filed objections to the initial draft of the PSR but has not filed objections on the docket pursuant to the Court's Order on Sentencing Schedule. (Filing No. 203). Plaintiff therefore has not been provided sufficient notice regarding the specific nature of the objections and considers them waived. No motions have been filed for variance or departure, although the Probation Officer has recommended a downward variance of 100 months from the low end of the defendant's advisory Guideline range.

B. Plaintiff's Argument on Sentence.

In Plaintiff's view, the defendant is a leader of the criminal activity and is at the top of the chain of distribution. He clearly benefitted financially from his efforts, more so than any other defendant. (PSR ¶¶ 13, 34, 35, 36, 43, 56). He is therefore undeserving of a downward variance. There is nothing particularly exceptional about his 3553(a) factors, and correspondingly there is no compelling argument to vary downward from the Guidelines range.

C. Conclusion.

Plaintiff will seek a Guidelines sentence within the advisory Guideline range of 235-293 months at the sentencing hearing on March 3, 2023.

UNITED STATES OF AMERICA

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CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and by e-mail to: Julie B. Hansen, Counsel for Defendant. I further certify that a copy of the same has been served by e-mail to the following non-CM/ECF participants:

Annalee M. Thomas
U.S. Probation and Pretrial Services Officer
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s/ Christopher L. Ferretti
Assistant U.S. Attorney